

LOUISVILLE METRO COUNCIL COMMITTEE SUMMARY

Contracts/Appointments Committee Meeting Summary

May 17, 2007

5:05 PM

City Hall, Third Floor

Present:

Chair: CM Fleming
Vice Chair: CM Johnson
Members: CM Tandy, CM Butler, CM Engel, CM Unsel & CM Hawkins

Absent:

CM Hawkins

Special Items for Discussion: None

Chairman Fleming began the meeting by announcing the members and non-members of the committee that were present. A quorum was established.

AGENDA:

Pending Legislation

1.R-88-05-07 A RESOLUTION PURSUANT TO ORDINANCES 111 AND 112, SERIES 2006, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING RENEWAL CONTRACT – (LANA C. LYNCH - \$70,000.00).

Status: In-Committee
Committee: Contracts/Appointments
Primary Sponsor: Madonna Flood

Discussion: CM Johnson motioned approval and CM Engel seconded. Mike Brown, Emergency Management Agency, stated this contract is a renewal funded by federal pass through monies to continue to develop and expand the community's ability to respond to and effectively manage a mass casualty event whether it be man made or natural.

By unanimous approval this item was sent to the **Consent Calendar**.

2.THIS ITEM WILL DIE.R-67-04-07 A RESOLUTION PURSUANT TO ORDINANCES 111 AND 112, SERIES 2006, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NEW CONTRACT - (PROSPORTS WORKS MANAGEMENT COMPANY, LLC - \$24,500.00).

Status: In Committee - Held
Committee: Contracts/Appointments
Primary Sponsor: Judy Green

3.O-45-03-07 (S) AN ORDINANCE REENACTING, AMENDING AND REPEALING VARIOUS SECTIONS OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ("CODE") CHAPTER 37, KNOWN AS PROCUREMENT PROCEDURES.

Status: In Committee - Held
Committee: Contracts/Appointments
Primary Sponsor:

Kelly Downard
Kevin Kramer
Rick Blackwell

Discussion: CM Johnson motioned approval and CM Tandy seconded it.
Kelli Watson, Human Relations Commission, Craig Bowen, Purchasing Director and Dana Cosby-Williams, Affirmative Action Officer for Metro Government.

The following proposed amendments were discussed however none were adopted by the committee.

Section 37.65

Add “legal” to Handicapped person in definition sections
Add “equipment” in the definition of Procurement

Under 37.66 Certification Process (C) delete “a committee of three...to Metro council
Add – Louisville Jefferson County Human Relations Commission – Enforcement Board shall

Section 37.67 – discussion items

- Recommendation was originally to delete the entire section and add a new section concerning goals however, the administration now wants to retain the language in the original document.
- Concerns over minority minimum goals was debated at length
- Bill O'Brien, Jefferson County Attorney, wanted stronger language such as “adopts” as part of the section
- Discussion over definition of “best efforts and good faith efforts”
- Concerns over what happens when contractor fails to meet the best efforts
- Certification requirements for minority contractors

Section 37.68 Section A

- Request to add “strongly” in second paragraph regarding

Under section 2, adding the following:

(2) While the foregoing guidelines on the utilization of certified female, certified handicapped, and certified minority owned businesses as subcontractors are recommended goals, failure to meet such goals will not result in disqualification from participation in the particular procurement process. Contractors, however, will be expected to provide written explanations to the Executive Director of the Human Relations Commission and Chief Procurement Officer of efforts they have made to utilize, as subcontractors, certified minority, female and handicapped owned businesses. ~~accomplish the recommended goals and the extent to which they are successful in accomplishing the recommended goals will be a consideration in the procurement process.~~ Good faith efforts of a potential bidder include, but are not limited to the following:

(a) Attendance at pre-bid meetings, if any, scheduled to inform MFHBEs of prime and subcontracting opportunities;

(b) Advertisement in general circulation media, trade association publications, and minority and female business enterprise media to provide notice of subcontracting opportunities;

(c) Communication with the Human Relations Commission Office seeking assistance and identifying available qualified MFHBEs;

(d) Efforts made to select portions of work for MFHBE subcontracting in areas with established availability or MFHBE subcontractors;

(e) Providing a minimum of ten (10) days written notice to known qualified MFHBEs that their interest in prime and subcontracting opportunities or furnishing supplies is solicited;

(f) Efforts to negotiate with qualified MFHBEs for specific sub-bids, including reasons for rejection of any such sub-bids offered;

(g) Efforts made to assist qualified MFHBEs meet bonding, insurance, or other governmental contracting requirements; and

(h) As to each MFHBE contacted which the bidder, contractor or vendor, considered not to be qualified, a statement of the reasons for the conclusion.

(C) The exercise of these good faith efforts shall establish a rebuttable presumption that a potential bidder has complied with this good faith provision.

Section 37.70 Waiver of Bonds for Disadvantaged Small Businesses

All deleted and agreed upon, no longer required

Section 37.71 Review of Provisions and Policies; Rules and Regulations

Administration recommended Annual reports but committee stated their concern Requested it remain quarterly reporting in light of new tracking system possibility

Section 37.72 Performance Bond Program

- Delete entire section

Section 37.80 Definitions

- Delete entire section since no one could identify State Standard Low Indemnity Plan

Section 37.81 Preference for Contractors with Employee Health Insurance

- Administration request deletion of all. CM Johnson shared concern

Section 37.98 Severability

Adding a new Section II as follows:

SECTION II: A new section of LMCO Chapter 37 is added to read:

Any entity awarded a contract that provides false information on a bid document or in a contract shall be liable to the Metro Government equal to 30% of the amount of the contract so awarded or may be deemed ineligible to bid or be awarded other bids by Metro Government for a period of no greater than two years in length. Any decision made by the Purchasing Director under this section which is adverse to an entity who has been awarded a contract with the Metro Government may be reviewed by the Chief Financial Officer at the request of any such entity, provided that a request for review shall be in writing, and shall specify with particularity the grounds for the request. Procedures for conducting any such review shall be within the sole discretion of the Chief Financial Officer and his or her decision after review shall be final.

Other discussion items:

- Efforts to advertise and reach minority owners by department
- Project Labor Agreement issue – Joe Wise stated his concerns

CM Fleming stated that the others wishing to speak should return to the next special meeting of the Contracts Committee on Thursday, May 24, at 3:00 PM. They will be allowed to speak at that time.

CM Engel motioned and CM Hawkins seconded a motion to table. By unanimous vote, the item was **Tabled**.

4.O-70-03-07 (S) AN ORDINANCE AMENDING AND REENACTING SECTIONS 116.01 THROUGH 116.51, 116.98, AND 116.99 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES [LMCO] RELATING TO RATES AND REGULATIONS FOR A CABLE COMMUNICATION SYSTEM.

Status: In Committee - Held
Committee: Contracts/Appointments
Primary Sponsor:
Kelly Downard
Rick Blackwell

Chairman Fleming made a motion to adjourn, without objection.

Without objection the meeting adjourned at 6:45 PM on a motion by CM Johnson and second by CM Hawkins.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the May 31, 2006 Special Council Meeting.**

kjh